

February 6, 2003

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

February 6, 2003 (Continued)

DIVISION TWO (Continued)

B158437 People (Not for Publication)
v.
Gray, Jr.

The judgment is affirmed.

Doi Todd, J.

We concur: Nott, Acting P.J.
Doi Todd, J.

B148342 People (Not for Publication)
v.
Jesse F.

The order is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

B162050 Kim T. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for writ of mandated is granted. The order to show cause is discharged.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

February 6, 2003 (Continued)

DIVISION TWO (Continued)

B156259 People (Not for Publication)
v.
Merano

The judgment is modified to strike the parole revocation fine imposed pursuant to section 1202.45. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
Ashmann-Gerst, J.

B162786 Roslyn R. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for writ of mandate is denied, and the order to show cause is discharged.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B158488 Los Angeles County, D.C.S. (Not for Publication)
v.
Angelica G., et al.

The order determining legal guardianship to be the appropriate plan is reversed. On remand, the juvenile court is directed to enter a new order terminating parental rights and selecting adoption as the permanent plan.

Doi Todd, J.

We concur: Nott, Acting P.J.
 Ashmann-Gerst, J.

February 6, 2003 (Continued)

DIVISION TWO (Continued)

B156061 People (Not for Publication)
v.
Jimenez

The four-year enhancements imposed in counts 3 and 4 pursuant to section 12022.7, subdivision (e) are stricken. In all other respects, the judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B150910 McMahon (Not for Publication)
v.
Board of Trustees of The El Camino Community

The judgment is affirmed in part, reversed in part, and remanded for further proceedings. We leave McMahon's dismissal from his teaching position undisturbed, but instruct the trial court to award McMahon back pay from February 16, 1997, to October 1, 1997, to remedy the *Skelly* violation. McMahon shall recover his costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

B156829 People (Not for Publication)
v.
Billy C.

We direct the juvenile court to amend the conditions of probation in its January 16, 2002, minute order to add the following condition in line No. 30: “Do not drive or ride in any motor vehicle that you know to be stolen.” In all other respects, the order appealed from is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION TWO (Continued)

B138910 Aviation Leasing Group
 v.
 Hyatt Corporation et al.

Filed order denying petition for rehearing.

B152602 Wiz Technology Inc.
 v.
 Coopers & Lybrand, LLP

Filed order modifying opinion and certified opinion for publication. (No change in the judgment)

DIVISION THREE

B158988 Harold Gershman, et al. (Not for Publication)
 v.
 Lee Soble, et al.

The order denying the motion to vacate the default and default judgment, or alternatively strike portions of the judgment is reversed. The case is remanded to the trial court with directions to modify the default judgment by striking the prejudgment interest and any attorney's fees awarded for plaintiffs' expenses in the instant action. The parties will bear their own costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B158325 People (Not for Publication)
 v.
 George Washington

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION THREE (Continued)

B154808 Susan Rodriguez, et al. (Not for Publication)
v.
Karen Prommer, et al.

The order of dismissal is reversed as to plaintiff Moses Mirano, and the cause is remanded for further proceedings consistent with the views expressed herein, including appropriate further proceedings on his suit, and reexamination of the section 128.7 sanctions awarded against his attorney. The parties shall bear their own costs on appeal. Counsel for plaintiff Susan Rodriguez is ordered to serve Ms. Rodriguez with a copy of this opinion. Counsel is further ordered to file, with this court, proof of such service, not later than 15 days of the date this opinion is filed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B157452 People (Not for Publication)
v.
Jabar Smith

The judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment which omits any reference to the imposition of a Penal Code section 1202.4, subdivision (b), restitution fine, or to the imposition of a Penal Code section 1202.45, restitution fine.

Croskey, Acting P.J.

We concur: Kitching, J.
Aldrich, J.

B157229 People (Not for Publication)
v.
Michael Erin Scholtz

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

February 6, 2003 (Continued)

DIVISION THREE (Continued)

B156414 People (Not for Publication)

V.

Michael Lynn Carter

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B156793 People (Not for Publication)

V.

Clarence Joseph Strowig, Jr.

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B154473 People (Not for Publication)

V.

Randy Real

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B153064 David Zweig

V.

Yuna Kwon

Filed order denying petition for rehearing.

February 6, 2003 (Continued)

DIVISION THREE (Continued)

B156830 People (Not for Publication)
v.
Juan C.

The order of wardship is affirmed, except that the case is remanded to permit the trial court to comply with Welfare and Institutions Code section 702, as to the offense alleged in count two, and for further proceedings consistent with this opinion.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B157734 People (Not for Publication)
v.
Lopez

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

DIVISION FIVE

B157456 People (Not for Publication)
v.
Steven Wohl

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B153835 Kurt MacLean (Not for Publication)

v.

County of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, J.

We concur: Turner, P.J.
Armstrong, J.

B159587 German Amarra (Not for Publication)

v.

International Church of the Foursquare Gospel

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, J.

We concur: Turner, P.J.
Mosk, J.

B155513 The Fred Rappoport Company (Not for Publication)

v.

Ellyn Trigg, et al.

The judgment is reversed. Appellant(s) to recover costs.

Grignon, J.

We concur: Turner, P.J.
Armstrong, J.

B159753 People (Not for Publication)

v.

Myron Coleman

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Mosk, J.

DIVISION FIVE (Continued)

B155738 Leonard Steiner, et al. (Not for Publication)
 v.
 Phillip Feldman

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

B155741 Dee (Certified for Publication)
 v.
 Vintage Petroleum, Inc.

The judgment is affirmed as to the trial court's ruling that Dee did not have a disability under the FEHA. The judgment is otherwise reversed and remanded as to the court's ruling granting Vintage summary judgment. Costs to appellant.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

B157035 People
 v.
 Olson

Filed order denying petition for rehearing.

B151432 Weber
 v.
 Fitzgerald

Filed order denying petition for rehearing.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Perluss, P.J., Johnson, J., Woods, J., Munoz, J. (Assigned) and Eva McClintock, Deputy Clerk.

Each of the following:

B151681 People v. Baskerville
B155129 People v. Bumphus
B155179 People v. Vaquera
B155462 People v. Taylor
B155600 People v. McClain
B156050 People v. Mayshack
B156419 People v. Pleitez
B156681 People v. Williams
B156797 People v. Mize
B156865 People v. Brink
B159402 DCFS v. Crystal B.
B160248 DCFS v. James R., et al.

Argument waived, cause submitted.

B149649 People
 v.
 Castro

Merits:

Argued by Debi Ramos for appellant and by Adrian Tigmo, Deputy Attorney General for respondent. Cause submitted.

B152868 People
 v.
 Davione T.

Merits:

Argued by Edward Haggerty for appellant and by Jeffrey Hoskinson, Deputy Attorney General for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B156895 People
 v.
 Kramer

Merits:
Argued by Mark Geragos for appellant and by Steve Mercer, Deputy Attorney General for respondent. Cause submitted.

B157185 People
 v.
 Perchez

Merits:
Argued by William Kopeny for appellant and by Allison Chung, Deputy Attorney General for respondent. Cause submitted.

B152076 People
 v.
 Arenz

Merits:
Argued by Martin Kassman for appellant and by Betty Chim, Deputy Attorney General for respondent. Cause submitted.

B148292 Nara Bank
 v.
 Hana Financial

Merits:
Argued by David Pettit for appellant and by Feris Greenberger for respondent. Cause submitted.

B154280 Coppola, et al.
 v.
 Warner Bros.

Merits:
Argued by Robert Chapman for appellants and by Frederic Cohen for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B162059 Bird Marella Boxer, et al.
 v.
 Superior Court, Los Angeles County
 (Reiner, et al., r.p.i.)

Merits:
Argued by Mary Bohen for petitioners and by Joseph Lange for real parties
in interest. Cause submitted.

B149153 Nolasco
 v.
 Regents of the University

Merits:
Argued by Moses Lebovits and Jonathan Milberg for appellant and by
Carolyn Oill for respondent. Cause submitted.

B162114 Hall, et al.
 v.
 Superior Court, Los Angeles County
 (Lindrum, r.p.i.)

Merits:
Argued by Howard Fields for petitioners and by Howard Kapp for real
party in interest. Cause submitted.

B158641 Los Angeles County, D.C.S.
 v.
 Angel B.,
 Enrique B.

Merits:
Argued by Lori Fields and Nancy Flores for appellants and by Jerry Custis
for respondent. Cause submitted.

Court recessed at 12:18 P.M.

February 6, 2003 (Continued)

DIVISION SEVEN (Continued)

Court reconvened at 2:00 P.M.

Present: Perluss, P.J., Johnson, J., Woods, J., Munoz, J. (Assigned) and Eva McClintock, Deputy Clerk.

B156480 Estate of Louis A. Stroll

Argument waived, cause submitted.

B149360 Emmanuel

v.
Beers

Merits:

Argued by Karen Goldman for appellant and by Michael Marans for respondent. Cause submitted.

B151220 Okun, et al.

v.
La Societe De La Musique

Merits:

Argued by Fred Grossblatt for appellants and by Neal Goldstein for respondent. Cause submitted.

B152523 Sanai

v.
Sanai

Merits:

Argued by Cyrus Sanai for appellants and by Michael Geibel for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B134560 Fuerst, et al.
v.
Tuccinardi

Merits:

Argued by Samuel Salmon for appellants and by Pamela Dunn for respondent. Cause submitted.

B147126 Westlake Pointe
v.
Builders Sheet Metal, Inc., et al.

Merits:

Argued by Kenneth Markson for appellant and by Edward Skillman for respondents. Cause submitted.

B136167 S.P. Group, Inc., et al.
v.
Monsanto Chemical, et al.

Merits:

Argued by Norman Pine for appellants and by Fredric Nelson for respondents. Cause submitted.

Court adjourned at 4:40 P.M.

DIVISION EIGHT

B159307 Wilson, et al. (Not for Publication)
v.
City of Hawthorne, et al.

The judgment is affirmed. The City of Hawthorne is to recover its costs on appeal.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

DIVISION EIGHT (Continued)

B162200 James R. (Not for Publication)

v.

Superior Court, Los Angeles County
(Los Angeles County Department Of Children
and Family Services et al.,, r.p.i.)

The petition for writ of mandate is denied. This opinion is final as to this court forthwith. (Cal. Rules of Court, rule 24(d).)

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.

B156841 In re David H., a Minor (Not for Publication)

Coming Under the Juvenile Court Law.

People

v.

David H.

The maximum term of physical confinement is reduced to 4 years 10 months. In all other respects, the judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.

B149816 People

v.

Humphrey

Filed order denying petition for rehearing.